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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,037	11/01/2001	Arun Ramachandran	COM-002.10D	5142

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EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,037

Applicant(s)

RAMACHANDRAN ET AL.

Examiner

Salvatore Cangialosi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/03/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-9 are rejected under 35 U.S.C. . 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with the alternative terms "or", "and/or" which are not positive limitations. It is not clear what is claimed. Certain claims (3,4, 6, 7) contain the terms "can...capable of...may be...can be" which are not positive limitations. (See In re Collier, 158 USPQ 266) It is not clear what is being claimed. For example, anything is possible given sufficient time and resources. Certain claims (4, and 6) contain the terms "zero or more". In the "zero" option , this limitation does not further limit the claim since it need not be present. In claim 4, "and so on...any other...any level of complexity;" is a vague and indefinite limitation.

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2. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3. Claims 1-9 are rejected under 35 U.S.C. § 103 as being unpatentable over Christiano et al(5671412) in view of Griswold et al(5940504) and Shin et al(5987134).

In so far as the claims are understood, regarding claim 1, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) disclose a memory in a computer system which includes license management software which includes a plurality of component(list) resources and records in a database(pointers) which describe the available licenses and sources thereof and are checked for authorization by a program which records activity for use and billing substantially as claimed. The differences between the above and the claimed invention is the use of specific enumerated data

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structure. It is noted that it is believed that the license management system software must include data structures(See element 22) which are functionally equivalent to a list.

Griswold et al(See Figs. 1-6) show license management datagrams. Shin et al(See Col. 3, lines 1-15) show user access rights by resources employed in authorization. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Christiano et al because the datagrams are conventional functional equivalents of data structures with respect to the claim limitations and programming of same is a necessary component of validation and use. Regarding the license term limitations of claim 2, Christiano et al (abstract) show license limitation data which is a functional equivalent of the claim limitations. Regarding the usage limitations of claim 3, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) show license usage which **can** represent anything which is a functional equivalent of the claim limitations. In so far as the claim is understood, regarding claim 4, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) disclose a memory in a computer system which includes license management software which includes a plurality of component(list) resources and records in a database(pointers) which describe the available licenses and sources thereof and are checked for authorization by a program which records activity for use and billing

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substantially as claimed. Note the zero limitations are given zero weight. The differences between the above and the claimed invention is the use of specific enumerated data structure. It is noted that it is believed that the license management system software must include data structures(See element 22) which are functionally equivalent to a list. Shin et al(See Col. 3, lines 1-15) show user access rights by resources employed in authorization. Griswold et al(See Figs. 1-6) show license management datagrams. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Christiano et al because the datagrams are conventional functional equivalents of data structures with respect to the claim limitations and programming of same is a necessary component of validation and use. In so far as the claim is understood, regarding claim 5, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) disclose a memory in a computer system which includes license management software which includes a plurality of component(list) resources and records in a database(pointers) which describe the available licenses and sources thereof and are checked for authorization by a program which records activity for use and billing substantially as claimed. The differences between the above and the claimed invention is the use of specific enumerated data structure. It is noted that it is believed that the license management system software must include data structures(See

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element 22) which are functionally equivalent to a list. Shin et al(See Col. 3, lines 1-15) show user access rights by resources employed in authorization. Griswold et al(See Figs. 1-6) show license management datagrams. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Christiano et al because the datagrams are conventional functional equivalents of data structures with respect to the claim limitations and programming of same is a necessary component of validation and use. In so far as the claim is understood, regarding claim 6, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) disclose a memory in a computer system which includes license management software which includes a plurality of component(list) resources and records in a database(pointers) which describe the available licenses and sources thereof and are checked for authorization by a program which records activity for use and billing substantially as claimed. Note the zero limitations are given zero weight. The differences between the above and the claimed invention is the use of specific enumerated data structure. It is noted that it is believed that the license management system software must include data structures(See element 22) which are functionally equivalent to a list. Shin et al(See Col. 3, lines 1-15) show user access rights by resources employed in authorization. Griswold et al(See Figs. 1-6) show license management datagrams. It would have been obvious to the

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person having ordinary skill in this art to provide a similar arrangement for Christiano et al because the datagrams are conventional functional equivalents of data structures with respect to the claim limitations and programming of same is a necessary component of validation and use. Regarding the programming limitations of claim 7, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) show license management software which **can** represent anything which is a functional equivalent of the claim limitations. Regarding the programming limitations of claim 8, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) show license management software which is **capable** of representing anything which is a functional equivalent of the claim limitations. In so far as the claim is understood, regarding claim 9, Christiano et al (See abstract, Figs. 1-2b, Col. 3, lines 20-55, Col. 4, lines 10-60, claims 1-70) disclose a sever computer system which includes license management software which includes a plurality of component(list) resources and records in a database(pointers) which describe the available licenses and sources thereof and are checked for authorization by a program which records activity for use and billing substantially as claimed. The differences between the above and the claimed invention is the use of specific enumerated data structure. It is noted that it is believed that the license management system software must include

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data structures(See element 22) which are functionally equivalent to a list. Griswold et al(See Figs. 1-6) show license management datagrams. Shin et al(See Col. 3, lines 1-15) show user access rights by resources employed in authorization. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Christiano et al because the datagrams are conventional functional equivalents of data structures with respect to the claim limitations and programming of same is a necessary component of validation and use

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. The examiner can normally be reached 6:30 Am to 5:00 PM, Tuesday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor(Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is (703) **308-4177**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SALVATORE CANGIALOSI
PRIMARY EXAMINER
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